

**MAILED**

UNITED STATES PATENT AND TRADEMARK OFFICE

**OCT 23 2003**

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JAMES W. ROSE and THEODORE C. CHEN

Application 09/302,034

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on September 25, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed April 24, 2000 (Paper No. 6). It is not apparent from the record that the examiner considered the statement submitted nor notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

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Application 09/302,034

Accordingly, it is

ORDERED that the application is returned to the Examiner for such consideration of the Information Disclosure Statement and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
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RA04-0029

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